

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

RALPH LEROY MENZIES,

Petitioner,

vs.

Case No. 03CV00902 JC/KBM

CLINT FRIEL, Warden of the Utah
State Prison, Department of Corrections,
State of Utah, and
MARK SHURTLEFF, Attorney General,
State of Utah,

Respondents.

ORDER CONTINUING STAY

This matter is before the Court on the parties' notification of the decision in *Menzies v. Galetka*, ___ P.3d. ___, 2006 WL 3690665 (Utah 12/15/06), which does not conclude the state proceedings. *See Doc. 58*. Therefore, the prior orders imposing the stay and holding Respondents' Motion To Dismiss, and requiring the parties to file status reports every six months and Petitioner to file an amended federal petition within thirty (30) days after the state proceedings are finally concluded remain in place. *See Docs. 24, 41, 47, 51*.

In addition, the District of New Mexico is now using CM/ECF. Therefore, the prior notice regarding submission of WordPerfect proposed orders should be modified. *See Doc. 54*. Rule 11 of the District of New Mexico's CM/ECF Administrative Procedures Manual provides:

11. PROPOSED ORDERS

(a) Proposed Orders MUST NOT Be E-Filed Of Record Or Submitted In Paper Form To Chambers Unless Otherwise Ordered. Proposed orders **SHOULD NOT** be filed or submitted to the Clerk or Judges' chambers unless otherwise required by the Judge.

(b) Format and Procedure For Submitting Proposed Orders Required By The Judge.

- (1) Proposed orders will rarely be required to be submitted because text-only docket entries will be used by the assigned judge or the Clerk's office for most routine or unopposed motions. When proposed orders are required by the assigned judge, the proposed orders are submitted as an attachment to an e-mail to the Judge who is to sign the order.
- (2) E-mail addresses and chambers-specific requirements are available on the Court's website at www.nmcourt.fed.us.
- (3) The subject line of the e-mail must include the following: (1) the case number, (2) The Judge's initials, (3) the docket number of the motion filed electronically which is the subject of the proposed document, and (4) a very brief description of the proposed document (**Example: 06cv01234, MV, 10, Order Dismissing**). The document itself should be similarly named to convey the same information (**Example: 06cv01234_MV_10_Order_Dismissing.wpd**)

The parties should consult the District of New Mexico website www.nmcourt.fed.us for chambers-specific requirements. Presently, submission of WordPerfect-formatted proposed documents for Judges Conway, Puglisi, and Molzen, should be sent to the following addresses:

Judge Conway – jecproposedtext@nmcourt.fed.us
Judge Puglisi – rlpproposedtext@nmcourt.fed.us
Judge Molzen – kbmproposedtext@nmcourt.fed.us

Judge Scott's website instructions do not permit submissions to his "proposed text" address without prior approval and first calling for instructions.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE